

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

LEA LOPEZ,	)	
	)	
Plaintiff,	)	
	)	CASE NO.
vs.	)	
	)	
	)	
FEDEX GROUND PACKAGE	)	
SYSTEM, INC., BONDZ, INC.,	)	
DAVID JOHNSON, and FICTITIOUS	)	
DEFENDANTS,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

COME NOW, FedEx Ground Package System, Inc., Bondz, Inc., and David Johnson (“Defendants”), and file this Notice of Removal within the time prescribed by law, showing the Court as follows:

1.

On December 1, 2022, Plaintiff filed a Complaint in the State Court of Fulton County, Georgia, Civil Action No. 2022EV006664, which county is within the Atlanta Division of the Northern District of Georgia.

2.

Defendant Bondz was served with a copy of the Summons and Complaint on December 6, 2022, and Defendant FedEx Ground was served with a copy of the

Summons and Complaint on December 8, 2022, making this Notice of Removal's filing fall within the time period prescribed by 28 U.S.C. § 1446(b).<sup>1</sup>

3.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. Defendant has no knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

4.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

5.

There is complete diversity among the parties.

6.

Plaintiff is a citizen of the State of Alabama. (*Comp.*, ¶ 1).

7.

Defendant Bondz is incorporated and maintains its personal place of business in the State of Georgia; Defendant FedEx Ground is a corporation incorporated in

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<sup>1</sup> Defendant Johnson has not been served to date.

the State of Delaware with its principal place of business located in the State of Pennsylvania. *See* 28 U.S.C. § 1332(c).<sup>2</sup>

8.

Defendants make a plausible allegation that Plaintiff is seeking recovery in an amount in excess of \$75,000, exclusive of interest and costs. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 555 (2014). Specifically, Plaintiff is seeking general and special damages for past and future medical expenses and pain and suffering for alleged permanent injuries. (*Comp.*, ¶ 54).<sup>3</sup>

8.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this Notice of Removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and no further proceedings shall be held in said case in the State Court of Clayton County.

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<sup>2</sup> Defendant Johnson, who is not yet a party to the suit due to lack of service, is a resident of the State of Georgia.

Respectfully submitted,

**CALLAHAN & FUSCO, LLC**

*/s/ Cassie D. Preston*

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Cassie D. Preston

Georgia Bar No. 940960

*Attorney for Defendants*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using the CM/ECF system and have mailed a copy of the foregoing via United States First Class Mail postage prepaid to the following on this 5th day of January, 2023: Michael W. Slocomb, Slocomb Law Firm, LLC, 1967 E. Samford Avenue, Auburn, Alabama 36830.

**CALLAHAN & FUSCO, LLC**

*/s/ Cassie D. Preston* \_\_\_\_\_

Cassie D. Preston

Georgia Bar No. 940960

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